CHAP. II.

DAVID THE SECOND.

CONTEMPORARY PRINCES.

Kings of England.	*Kings of France.*	*Popes.*
Edward III.	Philip of Valois.	Clement VI. Innocent VI. Urban V.

UPON the part of England, the policy of Edward the Third towards Scotland was different from that of his predecessor. There was now no talk of conferring the crown upon Baliol. The persuasion in England seems to have been, that the battle of Durham, and the acquisition of the Border provinces, had decided the fate of Scotland as a conquered country. A conference upon the subject was appointed to be held at Westminster, to which were summoned the prelates and barons of the northern provinces; an English justiciary was appointed for the new kingdom, and the Barons Lucy, Dacre, and Umfraville, were directed to accept the fealty of a people whom, with premature triumph, they believed ready to submit to the yoke of England.[1]

It was at this time, when all looked so dark and

[1] Rotuli Scotiæ, 10th Dec. 20 Ed. III. Ibid. vol. i. p. 684. 21 Ed. III. 14th Feb. 1346. Ibid. vol i. p. 687.

hopeless, that William, Lord Douglas, nephew of the Good Sir James, who had been bred to arms in the wars of France, returned to Scotland. In him the Steward soon found an able assistant. Possessing the high military talents which seemed to have been then hereditary in the family, he soon expelled the English from Douglasdale, took possession of Ettrick Forest, and raising the men of Teviotdale, cleared that district from the invaders.[1]

Whilst such was the course of events in Scotland, the English king endeavoured to strike a panic into the few Scottish barons who remained to defend their country, by the trial of the Earls of Menteith and Fife, made prisoners at the battle of Durham. Both were found guilty of treason, on the ground of their having risen in arms against their liege lord, Edward the Third. Menteith was executed, and his quarters, in the savage spirit of the times, parcelled over the kingdom.[2] The Earl of Fife, after condemnation, had his life spared, from his relationship to Edward the First. These trials were followed by the seizure of all ecclesiastical lands in Scotland belonging to churchmen who were evilly disposed to England, by the resumption into the hands of the crown of all the estates in that country which had been given to English subjects, and by the imposition of additional duties on the commodities exported from Berwick.[3] Edward's object in all this was, in

[1] Winton, vol. ii. pp. 269, 270.

[2] Rotuli Scot. vol. i. p. 689. 6th March, 1346-7; Ayloffe, p. 203.

[3] Ibid. vol. i. p. 686.

the impoverished state of his exchequer, to collect funds for payment of the army which it was intended to lead against Scotland. But, fortunately for that country, a new war proved, at this conjuncture, highly unpopular amongst the English barons.[1] Their sovereign, notwithstanding all his efforts, was distressed for money, and engrossed with his ambitious schemes in France. The desire of recruiting his coffers, by the high ransom which he knew must be paid for the Scottish king, and the many noble prisoners, taken at Durham, induced him to postpone his projected invasion of Scotland,[2] and to enter into negotiations, which concluded in a truce.[3] This cessation of hostilities continued, by means of successive prolongations, for six years. But the liberty of the king was a matter of more difficult arrangement. After many conferences, which were protracted from year to year, the conditions demanded by Edward were refused by the Scots; and David revisited his dominions only upon his parole, having left seven youths, of the noblest families in Scotland, as hostages for his return.[4]

During his captivity, a dreadful visitant had appeared in his dominions, in the shape of a pestilence, more rapidly destructive than any hitherto known in modern times. This awful scourge had already, for many years, been carrying its ravages through

[1] Rotuli Scotiæ, vol. i. p. 687.
[2] Rymer's Fœdera, vol. v. pp. 646, 647.
[3] Rotuli Scotiæ, 15th April, 21 Edward III. p. 694.
[4] Rymer, vol. v. pp. 724, 727.

Europe, and it now at last reached Scotland.[1] It is a remarkable fact, that when the great European pestilence of the seventh century was at its height, the Picts and Scots of Britain were the only nations who did not suffer from its ravages. But the exemption was now at an end; and, owing to whatever causes, the awful calamity fell with as deadly force on Scotland, as on any other part of Europe.[2]

Not long after David's return, a commissioner arrived from Edward, who appears to have been intrusted with a secret and important communication to the King of Scotland and Lord William Douglas.[3] Although, from the very brief and unsatisfactory document which notices this transaction, much mystery hangs over it, yet enough is discoverable to throw a deep shade upon the character of the Scottish king. Worn out by the prospect of a long captivity, rendered doubly bitter by his present taste of the sweets of liberty, he had agreed to sacrifice the independence of his kingdom to his desire of freedom; and there yet remain in the chapter-house at Westminster two instruments, in which David recognises the King of England as his Lord Paramount, and consents to take the oaths of homage.[4]

[1] Fordun a Goodal, vol. ii. p. 347.

[2] M'Pherson's Notes on Winton, vol. ii. p. 512. Fordun a Hearne, p. 1039.

[3] Rymer's Fœdera, vol. v. p. 737.

[4] Ayloffe's Calendar of Charters, p. 299.

When the country was thus betrayed by its king, we shall not wonder that the fidelity of some of the nobles began to waver. Many of the inferior barons and prisoners who were taken at the battle of Durham, by this time had paid their ransom and returned to Scotland, where they joined the Steward and his friends in their opposition to Edward. But the prisoners of highest rank and importance were kept in durance, and amongst these the Knight of Liddesdale. This leader, deservedly illustrious by his military talents and success, but cruel, selfish, and ambitious, was a second time seduced from his allegiance, and meanly agreed to purchase his liberty, at the expense of becoming a retainer of Edward. He consented to allow the English, at all times, to pass unmolested through his lands, and neither openly nor secretly to give assistance to his own country, or to any other nation, against the King of England; from whom, in return for this desertion, he received a grant of the territory of Liddesdale, besides other lands in the interior of Annandale.[1] There seems to be strong presumptive ground to conclude, that the secret intercourse, lately carried on with England, related to these base transactions, and that David had expected to procure the consent of his people to his humiliating acknowledgment of fealty to Edward. But the nation would not listen to the proposal for a moment. They longed, indeed, for the presence of

[1] Rymer's Fœdera, vol. v. p. 739. Rotuli Scotiæ, 18th July, 26 Ed. III. vol. i. p. 753.

their king, and were willing to make every sacrifice for the payment of his ransom; but they declared, with one voice, that no consideration whatever should induce them to renounce their independence, and David was reluctantly compelled to return to his captivity in Engand.[1]

The Scottish king and the Knight of Liddesdale had expected to find in Lord William Douglas a willing assistant in their secret intrigues and negotiations. But they were disappointed. Douglas proved the steady enemy of England; and aware of the base game which had been played by Liddesdale, he defeated it by breaking into Galloway at the head of a powerful force, and compelling the wavering barons of that wild and unsettled district to renounce the English alliance, and to swear fealty to the Scottish king.[2] At the same time, Roger Kirkpatrick wrested from the English the important castles of Carlaverock and Dalswinton, and preserved in its allegiance the territory of Niddesdale; whilst the regent of the kingdom, assisted by his son, afterwards king, collected an army, and making his head-quarters in Annandale, where disaffection had chiefly spread, contrived to keep that district in tranquillity. The intrigues of the Knight of Liddesdale were thus entirely defeated. He had hoped to make Annandale the central point from which he was to commence his attack upon the ancient independence

[1] Knighton, p. 2603.

[2] Fordun a Goodal, vol. ii. p. 256.

of Scotland, and to reduce the country under his new master Edward; but, on his return from captivity, he found his treachery discovered, and his schemes entirely defeated.

Since the death of the Good Sir James, the Douglases had looked to the Knight of Liddesdale as their head, and the chief power of that family had centred in this baron. But the murder of Ramsay, his loose and fierce habits, and the stain thrown upon him by consenting to become the creature of England, all contributed to render him odious to his countrymen, and to raise, in bright opposition to his, the character of William, Earl of Douglas, his near kinsman. This seems to have excited a deadly enmity between them, and other circumstances contributed to increase the feeling. The Earl of Douglas had expelled the English from Liddesdale and Annandale, and was in possession of the large feudal estates of the family. On the other hand, the Knight of Liddesdale, during his treasonable intercourse with England, obtained a grant of Hermitage Castle and the whole of Liddesdale from Edward; nor was he of a temper to consent tamely to their occupation. These causes, increased, it is said, by a jealousy on the part of the Earl, who suspected his countess of a partiality for his rival, led to a very atrocious murder. As Liddesdale was hunting in Ettrick Forest, he was beset and cruelly slain by his kinsman, at a spot called Galford.[1] The body

[1] Fordun a Hearne, p. 1041.

was carried to Lindin Kirk, a chapel in the Forest, not far from Selkirk, where it lay for some time. It was then transported to Melrose, and buried in that ancient abbey.[1] The deed was a dark and atrocious one, and conveys a melancholy picture of the fierce and lawless state of Scotland; but Liddesdale met with little sympathy. To gratify his own private revenge, he had been guilty of repeated murders, and his late treaty with Edward had cancelled all his former services to his country.

Since the commencement of his captivity, David had now made three unsuccessful attempts to negotiate for his liberty;[2] but many circumstances stood between him and freedom. The English king continued to confer on Baliol, who lived under his protection, the style of King of Scotland, and refused to David his royal titles;[3] and although it was evident that Edward's real intentions were to subdue Scotland for himself, while Baliol was merely employed as a tool to be thrown aside at pleasure, yet so long as his avowed purpose was the restoration of Baliol, there was a consistency in keeping his rival in durance. On the other hand, whatever disposition

[1] Hume's Douglas and Angus, vol. i. p. 143. Hume has quoted a single stanza of an old ballad, made on this mournful occasion.

> "The Countess of Douglas out of her bower she came,
> And loudly there did she call,
> It is for the Lord of Liddesdale
> That I let the tears down fall."

[2] In 1348, 1350, and 1353.

[3] Rymer, vol. v. pp. 788. 791.

there might be on the part of the Scots to shut their eyes to the failings of the son of Bruce, his character had sunk in their estimation, and he had deservedly become an object of suspicion and distrust. The brilliant and commanding talents of Edward the Third had acquired a strong influence over his mind; he had become attached to the country and manners of his enemies, and, in the absence of his queen, had formed a disgraceful connexion with a lady of the name of Mortimer. The return, therefore, of David, was an event rather to be deprecated, than desired, by the country. The Steward, with the barons of his party, dreaded not only the loss of his own personal consequence, and the establishment on the throne of a sovereign whom he knew to be his enemy; but, what was still more intolerable, they saw in it the establishment of the superiority of England, and the vassalage of their own land. It is to this cause, assuredly, that we are to attribute the coldness and reluctance with which the negotiations proceeded. They were, however, at length concluded at Newcastle, in the month of July, 1354, by a treaty, in which David's ransom was fixed at ninety thousand marks,—an enormous sum for that period; and it was stipulated, that this money was to be paid in nine years, at the rate of ten thousand marks annually.[1]

The commissioners who conducted the negotiations for this treaty, were, the Bishops of St Andrews and Brechin, along with Patrick Dunbar, Earl of March,

[1] Rymer's Fœdera, vol. v. p. 791.

one of the few Scottish earls who had escaped captivity at the battle of Durham; but, previous to its ratification, Eugene de Garencieres, who had already served in the Scottish wars, arrived upon a mission from the court of France, at the head of a select body of sixty knights, and bringing with him a seasonable subsidy of French gold, in the shape of forty thousand moutons d'or, which were distributed by him amongst the Scottish nobles.[1] The treaty of ransom had been especially unpopular with the patriotic party in Scotland, as the sum stipulated was far too heavy a drain upon the country. It had not yet received the consent of the regent, or the final ratification of the states of the realm; and Garencieres found little difficulty in persuading them to give up all thoughts of peace, and to seize the earliest opportunity of recommencing hostilities. For the present, therefore, the King of Scotland, who had seen himself on the point of regaining his liberty, was remanded to the Tower, and an invasion of England resolved on as soon as the truce expired.[2] Yet the English themselves were the first aggressors in a Border inroad, in which they laid waste the extensive possessions of the Earl of March.[2] To revenge the insult, this nobleman, along with the Earl of Douglas, and a large body of men-at-arms, who were reinforced by the French knights and soldiers, under

[1] Winton, vol. ii. p. 271. M'Pherson's Notes, p. 512. Leland's Collect. vol. i. p. 564.

[2] Rotuli Scotiæ, vol. i. p. 779. [3] Fordun a Hearne, p. 1043.

the command of Garencieres, marched towards the Borders, and occupied a strong pass near Nesbit Moor; where the hilly country, and the tortuous nature of the road, allowed them to form an ambuscade. They then dispatched Sir William Ramsay of Dalwolsy, having four hundred men under his banner, to cross the Tweed, and plunder the village of Norham, and the adjacent country. It was the constant policy of Edward to keep a strong garrison in Norham Castle. Its vicinity to the Borders made it one of the keys to England on the East Marches; it was exposed to perpetual attacks, and, in consequence, became the general rendezvous of the bravest and most stirring spirits in the English service. Ramsay executed his task of destruction with unsparing fidelity; and, in his retreat, took care to drive his booty past under the walls of the castle. The insult, as was expected, brought out the whole English garrison upon them, led by the constable, Sir Thomas Grey, and Sir James Dacre. After a short resistance, Ramsay fled to where the Scottish army lay concealed; and the English pursuing, suddenly found themselves, on turning round the shoulder of a mountain, in presence of the well-known banners of Douglas. Retreat was now impossible, and resistance almost equally fruitless, for Douglas greatly outnumbered the English; but it was the age of chivalry, and the constable of Norham was a true disciple of the order.[1] Forming his little band around him, he

[1] Winton, vol. ii. p. 276.

called for his son, and made him a knight on the field; he then commanded his men-at-arms to dismount, and fight on foot with the archers; after which, he, and his brother knights, attacked the Scots with the greatest courage, and performed what, in the language of those times, were denominated, "many fair passes of arms." In the end, however, he was compelled to surrender to Douglas, along with his son, Dacre, and the whole garrison. After the fight, there occurred a fierce trait of feudal vengeance. One of the French knights purchased some of their prisoners from the Scots, and, leading them to a remote spot on the mountain, murdered them in cold blood, declaring that he did this to revenge the death of his father, who had been slain by the English in their wars in France.[1]

The city of Berwick, at this time in the hands of the English, and which had long been the emporium of the commerce of both kingdoms, became the next object of attack. It was too well fortified, however, to hold out the least chance of success to an open assault; but the Earls of Angus and March having collected a strong naval force, and favoured by a dark November night, ran their ships up the river as far as the tide permitted, where disembarking, they proceeded silently to the foot of the walls; and, in the first dawn of the morning, stormed the town by escalade, slew the captain, Sir Alexander Ogle,

[1] Fordun a Goodal, vol. ii. p. 350. Fordun a Hearne, pp. 1043, 1044.

with some English knights, and drove before them multitudes of the defenceless citizens, who, on the first alarm, had fled from their beds, and escaped, half naked and in crowds, over the ramparts.[1]

The city, of which the Scots were thus masters, communicated with the castle of Berwick, through a strong fortalice, called the Douglas Tower; and, by a desperate sally from this out-work, Copland, the governor of Northumberland, attempted to wrest their conquest from the Scots; but he was repulsed, and with such gallantry, that the tower itself was carried and garrisoned. Flushed with their success, and enriched with an immense booty, the Scots next attacked the castle; its strength, however, resisted all their efforts; and the regent arriving to inspect his conquest, found that it would be impossible to keep the town, if, as was to be anticipated, the garrison should be supported by an English army. In such circumstances, to have dismantled the fortifications, and abandoned the city, would have been the most politic course; but, unwilling at once to renounce so high a prize, the Steward left in Berwick what troops he could spare, and retired. Little time, indeed, was given for the execution of any plan, for Edward, hearing of the successes of the Scots, hastened from Calais, staid only three days in his capital, and, attended by those veteran and experienced officers who had so well ser-

[1] Fordun a Hearne, pp. 1044, 1045. Scala Chron. in Leland's Coll. p. 565.

ved him in his French wars, laid siege to Berwick at the head of a great army.[1] At the same time, the English fleet entered the river, and the town was strictly invested on all sides. Edward and his guards immediately took possession of the castle; and, while Sir Walter Manny, a name which the siege of Calais has made famous, began a mine below the walls, the king determined to storm the town over the drawbridge, which was thrown from the castle to the Douglas Tower. Against these formidable preparations, the small force left by the Steward could not possibly contend; and the garrison having capitulated, with safety of life and limb, returned to Scotland, and abandoned the town to the enemy.[2]

That fated country now lay open to an army of eighty thousand men, commanded by the victor of Cressy. The English fleet was ordered, without delay, to sail round the coast, and await him in the Forth; and the king, breathing threats and vengeance against his enemies, and irritated that his career in France was perpetually checked and thwarted by his dangers at home, invaded Scotland, with a determination to destroy and utterly subdue the country.[3] At first every thing seemed to favour his project.

[1] Rymer's Fœdera, vol. v. p. 828. Robert of Avesbury, p. 210. Fordun a Hearne, p. 1046.

[2] Lingard, vol. iv. p. 97, says, "Berwick was recovered by the sole terror of his approach." An expression which agrees neither with the account of the English nor Scottish historians. See Robert of Avesbury, p. 228.

[3] Fordun a Goodal, p. 354.

Fatal and virulent dissensions again broke out amongst the Scottish nobles, excited, no doubt, by the terror of confiscation and imprisonment, to which an unsuccessful resistance to England necessarily subjected them; and in addition to this, a very extraordinary event, which seemed ominous of success, occurred upon the arrival of Edward and his army at Roxburgh. It had undoubtedly been long in preparation; and one branch of those secret negotiations which led to it, is probably to be seen in the mysterious treaty, already noticed, between Prince Lionel and Henry Percy, for the assistance of Edward Baliol. That weak and unfortunate person now presented himself before Edward; and, with all the feudal ceremonies becoming so solemn a transaction, for ever resigned his kingdom of Scotland into the hands of the English king, divesting himself of his regalia, and laying his golden crown at the feet of the monarch.[1] His declared motives for this pusillanimous conduct are enumerated in the various deeds and instruments which passed upon the occasion; but the real causes of the transaction are not difficult to be discovered. It needed little penetration to discern, that the retention of the royal name and title by Baliol stood in the way of the pacification of Scotland, and the negotiations for the ransom of the King, and

[1] The English historian Knighton asserts that Baliol delivered all right which he possessed in the crown of Scotland to Lionel, the King's son. Knighton, p. 2611, Rymer, vol. v. pp. 832, 843, inclusive.

gave to the regent and the barons of his party, a power of working upon the popular feelings of the nation; while the total resignation of the kingdom into the hands of Edward, afforded this Prince the appearance of justice in his present war, and, in case of failure, a fairer prospect of concluding a peace. Baliol himself was a mere dependent of Edward's. For the last sixteen years he had been supported by the money, and had lived under the protection, of England.[1] He was now an old man; and he could not entertain the slightest hope of subduing the country, which he still affected to consider as his own. In return for this surrender of his crown, Edward now agreed to settle upon him an annuity of two thousand pounds; and, when commanded to strip himself of his unsubstantial honours, he at once obeyed his master, and sunk into the rank of a private baron. During one part of his life, when he fought at Dupplin, and took part with the disinherited barons, he had shown a considerable talent for war; but this last base act proved that he was unworthy of the throne, from which he had almost expelled the descendants of Bruce. He died, not many years after this event, in obscurity, and, fortunately for Scotland, without children.

Meanwhile Edward, who had thus procured the donation of the kingdom from Baliol, and extorted the acknowledgment of homage from David, per-

[1] Rotuli Scotiæ, vol. i. pp. 544, 546.

suading himself that he had a just quarrel, hastened his warlike preparations, and determined to invade the country with a force, against which all resistance would be unavailing. The present leaders of the Scots had not forgotten the lessons taught them by the rashness of David; and they wisely resolved to meet this invasion in the manner pointed out by the wisdom of Wallace, and the dying directions of Bruce. Orders were immediately issued for the inhabitants to drive away their flocks and herds, and to convey all their valuables and property beyond the Firth of Forth, into the castles, caverns, and strongholds frequently used for such purposes; to destroy and burn the hay and forage which was not readily transportable; and to retire themselves, fully armed and equipped, and ready for immediate action, into the various well-known fastnesses, wooded glens, and mountain passes, from which they could watch the operations of the invading army.[1] It was indispensable, however, to procure time to carry these measures into execution; and, for this purpose, the Earl of Douglas sought the army of Edward, which he found on its march from Roxburgh, and making a splendid appearance. It was led by the king in person. Before him, floating amid other banners and pennons, was borne the royal standard of Scotland.[2] The king's sons, John and Lionel, Dukes of Richmond and Ulster, accompanied their father; and, on the arrival of Douglas, when the army halted and

[1] Robert de Avesbury, p. 236.

[2] Ibid, p. 236.

encamped, it covered an extent of twenty leagues.[1] Douglas fortunately succeeded in procuring a ten days' truce; during which time he pretended to communicate with the Scottish regent and nobles, and amused Edward with the hopes, that his title to the Scottish throne would be universally recognised. The messages, however, which passed between Douglas and his friends related to designs the very opposite of submission; and, when the truce was almost expired, the Scottish earl, who had completely gained his object, withdrew, and joined his countrymen.

Enraged at being the dupe of so able a negotiator, Edward, in extreme fury, advanced through Berwickshire into Lothian, and, with a cruel and short-sighted policy, gave orders for the total devastation of the country.[2] Every town, village, or hamlet, which lay within the reach of his soldiers, was given to the flames; and the march of this Prince, who has commonly been reputed the very model of a generous and chivalrous conqueror, was to be traced by the thick clouds of smoke which hung over his army, and the black desert which he left behind him. In this indiscriminate vengeance, even the churches and religious houses were sacrilegiously plundered and cast down. A noble abbey-church at Haddington, whose quire, lighted by the long-shaped lantern windows, of graceful and elegant proportion, went by the name of the Lamp of the Lothians, was entirely de-

[1] Robert of Avesbury, p. 236. Leland's Coll. vol. i. p. 566.

[2] "Velut ursa raptis fœtibus in saltu sœviens." Fordun a Hearne, p. 1047.

stroyed; and the adjoining monastery of the Minorites, with the town itself, rased to the ground.[1]

The severity which Edward had exercised upon his march began now to recoil upon himself; no forage was to be had for the horses; and the moment a foraging party attempted to leave the main army, it was cut off by the Scots, who rushed from their concealment in the glens and woods, and gave no quarter. It was now the month of January, and the winter storms increased the distress of the troops. Bread began to fail; for fifteen days the soldiers had drunk nothing but water;[2] and, instead of being able to supply their wants by plunder, the English found nothing but empty stalls and deserted houses; not a hoof was to be seen, so well had the orders of Douglas been obeyed. It may be imagined how dreadfully these privations were felt by an army which included three thousand picked cavalry, splendidly armed, both man and horse, besides ten thousand light-armed horse.[3] The king, who saw famine and retreat approaching, now looked impatiently for his fleet. It was known that it had sailed from Ber-

[1] Fordun a Hearne, p. 1048. Fordun a Goodal, vol. ii. p. 354.

[2] Knighton, pp. 2611.

[3] According to Robert of Avesbury, p. 235, 236, the numbers of Edward's army were as follows:

3,000 homines armati, or men-at-arms, that is, fully armed in steel, both man and horse,	
10,000 light-armed horse,	
10,000 mounted archers,	
10,000 infantry,	
	33,000.

The Scottish historians make the numbers eighty thousand.

wick, but no farther intelligence had arrived; and after an anxious halt of ten days at Haddington, Edward pushed on to Edinburgh, with the hope of meeting his victualling ships at Leith. Instead, however, of the long expected supplies, certain news arrived that the whole of the English fleet, in its attempt to make the Firth, had been dispersed and destroyed;[1] so that it was judged absolutely necessary to retreat as speedily as possible, in order to save the army from absolute starvation. This order for retreat became, as was to be expected, the signal for discipline to cease, and disorder to begin. Every wood or mountain-pass swarmed with Scottish soldiers, who harassed the rear with perpetual attacks; and, in passing through the Forest of Melrose, the king himself was nearly taken or slain in an ambuscade which had been laid for him.[2] He at length, however, reached Carlisle in safety, dismissed his barons, and returned to his capital; from which he issued a pompous proclamation, declaring it to be his kingly will to preserve, untouched and inviolate, the ancient laws of Scotland; a singular declaration with regard to a country in which he could scarcely call a single foot of ground his own.[3] So cruel in its execution, and so inglorious in its result, was an expedition, in which Edward, at the head of an army infinitely greater than that which fought at Cressy, had, for the fifth time, invaded Scotland, declaring it to be

[1] Fordun a Hearne, p. 1048. Robert of Avesbury, p. 237.
[2] Knighton, p. 2611. Fordun a Hearne, p. 1048.
[3] Rotuli Scotiæ, p. 790.

his determined resolution to reduce it for ever under his dominion. The expedition of Edward, from the wasting of the country by fire, was long afterwards remembered by the name of the "Burnt Candlemas."

So long as Scotland remained unconquered, it was evident that the English monarch must be content to have his ambitious efforts against France perpetually crippled and impeded. He felt, accordingly, the paramount importance of concluding the war in that country; and seems to have imagined, that, by an overwhelming invasion, he could at once effect this object, and be enabled to concentrate his whole force against Philip. But the result convinced him that the Scots were farther than ever from being subdued, and that policy and intrigue were at the present conjuncture more likely to be successful. He willingly, therefore, consented to a truce, and resumed the negotiations for the ransom of the king, and the conclusion of a lasting peace between the two countries.[1]

The Earl of Douglas, to whose exertions the success of the last campaign was mainly to be ascribed, seems to have been one of those restless and ardent spirits who languish unless in actual service; and, accordingly, instead of employing the breathing time which was afforded him, in healing the wounds, and recruiting the exhausted strength of his country, he concluded a Border truce with the English warden,[2] and, accompanied by a numerous body of knights and squires, passed over to France, and fought in the me-

[1] Rotuli Scotiæ, p. 791. [2] Rymer, vol. v. p. 809.

morable battle of Poictiers. Douglas was received with high honour, and knighted on the field by the King of France. Amid the carnage of that dreadful day, he had the good fortune to escape death or captivity; and, cooled in his passion for foreign distinction, to return to Scotland,[1] where he resumed, along with the regent and the rest of the nobility, his more useful labours for his country.

Hitherto the negotiations for the ransom and delivery of David had been entirely abortive. They were now renewed, and proved successful. After some preliminary conferences at London, between the council of the King of England and the Scottish Commissioners, the final settlement of the treaty was appointed to take place at Berwick-upon-Tweed.[2] In the meantime, a solemn Parliament was held by the Steward, as governor of Scotland, at Edinburgh, on the 26th of September. Its constitution and proceedings, as shown in authentic instruments, preserved in the Fœdera, are exceedingly important. It appears that, before meeting in Parliament, the prelates of Scotland assembled their chapters, and ap-

[1] Fordun a Hearne, p. 1052.

[2] Rymer, vol. v. p. 831. These conferences for the ransom and liberation of David extend through a period of ten years. They began in January 1347-8, and were resumed almost every year without success till the final treaty in 1357. There are only three treaties noticed by our historians; but the reader, by referring to the followiug pages of the Rotuli Scotiæ, vol. i. will find all the attempts at negotiation minutely described in the original instruments: pp. 709, 721, 722, 727, 740, 741, 745, 759, 766, 768, 773, 791, and 809, 811.

pointed delegates to represent them in Parliament, with full powers to deliberate upon the ransom of the king, and to bind them as fully as if they themselves had attended.[1] Afterwards, however, it was judged more expedient that the prelates should attend in person; and, accordingly, we find that, on the 26th of September, the whole bishops of Scotland assembled in parliament at Edinburgh, and there met the other two Estates,—the lords and barons of the realm, and the representatives of the royal burghs. Each of the Estates then proceeded to elect certain members of their own body as their commissioners, to appear at Berwick, and deliberate, with the delegates of the King of England, upon the ransom and liberation of their sovereign. For this purpose, the clergy chose the Bishops of St Andrews, Caithness, and Brechin.[2] To these ecclesiastical delegates were added the Earls of March, Angus, and Sutherland, Sir Thomas de Moravia, Sir William Levingston, and Sir Robert Erskine, appointed by the regent and the barons; and, lastly, the seventeen royal burghs chose eleven delegates of their own number, and intrusted them with the most ample powers.[3] Such elections having taken place, the commissioners of both countries repaired to Berwick-upon-Tweed, on the day appointed, with great state and solemnity. Upon the part of England, there came the Primate of England, with the Bishops of Durham and Carlisle, and the

[1] Rymer's Fœdera, vol. vi. p. 39, 40. [2] Ibid. vol. vi. p. 43.
[3] Ibid. vol. vi. pp. 44, 45.

Lords Percy, Neville, Scrope, and Musgrave. The Scottish delegates brought with them a splendid suite of attendants. The train of the Bishop of St Andrews alone consisted of thirty knights, with their squires; the cortege of the other bishops and barons was scarcely less splendid;[1] and the arrival of the captive monarch himself, escorted by the whole military array of Northumberland, gave additional solemnity to the scene of negotiation.[2]

The result of these conferences at Berwick was, the restoration of David to his kingdom, after a captivity of eleven years. The ransom finally agreed on was a hundred thousand pounds, equivalent to the sum of twelve hundred thousand pounds of modern money, to be paid by annual instalments of four thousand pounds; and, in security of this payment, twenty Scottish youths, heirs of the first families in the country, were delivered as hostages into the hands of the English monarch.[3] It was stipulated besides, that, from the principal nobles of the kingdom, three should resort by turns to England, there to remain until the whole ransom was paid; and, in the event of failure in the payment at any of the terms, the King of Scotland became bound to return to his captivity. It was also declared, that, until payment of

[1] Rymer's Fœdera, vol. vi. pp. 32, 33.

[2] Rotuli Scotiæ, vol. i. p. 810.

[3] Rymer, vol. vi. pp. 47, 48. The sum of the ransom originally agreed on was 100,000 merks. Rotuli Scotiæ, vol. i. p. 812; but this was altered by subsequent treaties. M'Pherson's Notes to Winton, vol. ii. p. 512.

the ransom, there should be a ten years' truce between the kingdoms, during which, free and unfettered commercial intercourse by land and by sea was to take place between both countries; no hostile attempt of any nature was to be made against the possessions of either; and no subject of the one to be received into the allegiance of the other; a condition which Edward, when it suited his own interests, made no scruple of infringing.[1] The stipulations of this famous treaty were uncommonly favourable to England, and reflect little credit on the diplomatic talents of the Scottish commissioners. The ransom agreed on was oppressively high; and it fell upon the country at a period when it was in a very low and exhausted condition.

But the ransom was not the only drain on the resources of the country. The numerous unsuccessful attempts at negotiation which preceded this final settlement, had occasioned many journeys of the Scottish nobility to England, and such expeditions brought along with them a heavy expenditure. Besides this, the ransom of the Scottish prisoners, taken in the battle of Durham; their support, and that of the king their master, for many years in England;

[1] Rotuli Scotiæ, 3d March, 1362-3. 37 Ed. III. vol. i. p. 871. Bower, in his additions to Fordun, has asserted, that David agreed to dismantle certain castles in Niddesdale, which greatly annoyed the English; and that, on his return to his dominions, he accordingly destroyed the castles of Dalswynton, Dumfries, Morton, and Dunsdeer, with nine others. No such stipulation is to be found in the treaty, (Rymer, vol. vi. p. 46,) and Fordun himself makes no mention of it.

with the expense occasioned by the residence of three great nobles, and twenty young men of the first rank, for so long a time in another country, necessarily occasioned an excessive drain of specie from Scotland. The possession, too, of the hostages by England tended greatly to cripple the power, and neutralise the independent efforts of her ancient enemy; and the frequent intercourse between the nobles of the poorer and richer country, gave Edward opportunities of intrigue, which he by no means neglected. Meanwhile, the representatives of the nobility, the bishops, and the burghs of Scotland, ratified the treaty;[1] and David, released from captivity, returned to Scotland, to receive the enthusiastic welcome of his people. But it was soon discovered, that the character and manners of the king had been deteriorated by his residence in England. His first public act was to summon a Parliament, to meet at Scone, regarding which there is a little anecdote preserved by a contemporary historian, which throws a strong light upon his harsh and fickle disposition. In the progress to the hall where the Estates were to meet, crowds of his people, who had not beheld their king for eleven years, pressed upon him, with rude, but flattering ardour. The monarch, whose march was thus affectionately interrupted, became incensed, instead of being gratified, and, wresting a mace from one of his attendants, threatened to beat to the ground any who dared to annoy him. A churl-

[1] Rymer, vol. vi. pp. 52 to 65, inclusive.

ish action, which shows how little cordiality could subsist between such a prince and his subjects, and prepares us for the unhappy transactions that afterwards made so deadly a breach between him and his people.[1]

The proceedings of the parliament itself may be imperfectly gathered from a fragment which has been preserved to us; but the record of the names of the clergy, nobility, and other members who were present, which might have thrown some light upon the state of parties at the return of the king, is unfortunately lost. The enormous sum of the ransom, and the mode in which the annual instalment should be collected, appears to have been the first subject which occupied the attention of the great council. The provisions upon this are important, as illustrating the state of commerce in the country. It was resolved, that the whole wool and wool-fels of the kingdom should be given to the king, at the rate of four merks for the sack of wool, and the same sum for every parcel of two hundred fleeces; and, it is probable, that the king afterwards exported these sacks and fleeces, at a high profit, to foreign parts, or disposed of them to foreign merchants who resorted to Scotland.[2] In the next place, a minute and accurate account of the rents and produce of the whole lands of the realm, and a list of the names of the proprietors, was appointed to be taken by certain sworn commissioners

[1] Winton, vol. ii. p. 283.

[2] Robertson's Parliament. Record, pp. 96, 97. Knighton, p. 2570.

appointed for the purpose. From this account were specially excepted all white sheep, domestic horses, oxen, and household furniture; but, so minute was the scrutiny, that the names of all mechanics, tradesmen, and artificers, were directed to be taken, with the declared purpose of ascertaining what tax would be proper to be paid on the real value of their property, and what sum each person, of his own free will, would be ready to contribute towards the ransom of the king. Proclamation was directed to be made throughout the kingdom, that, during the term within which such an account was to be taken, no one should sell or export any sheep or lambs. Officers were to be stationed on the marches to prevent such an occurrence, every hoof or fleece which was carried off was to be seized and forfeited to the king; while the sheriffs of the respective counties, and the barons and gentry, were directed to use their utmost endeavour, that none should dare to refuse such taxation, or fraudulently attempt to escape, by transferring themselves from one part of the country to another. If any of the sheriffs, tax-gatherers, or their officers, were found guilty of any fraud, or unfaithful conduct; or, if any individuals were discovered concealing their property; all such delinquents were ordered to stand their trial at the next Justice Ayre; which, it was appointed, should be held by the king in person, that the royal presence might ensure a more solemn distribution of justice, and strike terror into offenders. A provision was next made, that in each county there should be good and

sufficient sheriffs, coroners, bailies, and inferior officers; it was ordered, that all lands, rents, or customs, belonging originally to the king, should be resumed, to whatever persons they might have been granted, in order that the whole royal lands should continue untouched; and that the kingdom, already burdened by the king's ransom, might be freed from any additional tax for the maintenance of the throne. The king was required to renew that part of his coronation oath, by which he had solemnly promised, that he should not alienate the crown-lands, or dispose, without mature advice, of any rents, wards, or escheats appertaining to the crown, and there was a prohibition against exporting the sterling money out of the realm, by any person whatever, unless upon the payment to the crown of half a merk for each pound.[1]

During the captivity of the sovereign, it appears that they who, at various times, were at the head of affairs, had either appropriated to themselves, or made donations to their vassals and dependents, of various portions of the crown-lands; and it was, therefore, enacted, that all those who had thus rashly and presumptuously entered into possession of any lands or wardships belonging to the crown, should, under pain of imprisonment, be compelled to restore them into the hands of the king. The next article in the resolutions of this Parliament is extremely obscure. It was resolved, "that all the lands, possessions, and goods

[1] Robertson's Parliamentary Record, pp. 96, 97.

of the homicides, after the battle of Durham, who have not yet bound themselves to obey the law of the land, should be seized in the hands of the king, until they come under sufficient security to obey the law; and that all pardons or remissions granted to persons of this description, by the governors of the kingdom, during the absence of the king, should not be ratified, unless at the pleasure of our lord the king." And it was also provided that, if any person, after the captivity of the sovereign, had resigned into the hands of the regent any tenement, which he held of the crown in capitè, which property had been bestowed upon another, who had alienated it in whole, or in part, without the royal permission, all such tenements should again be seized in the hands of the king.

The names of the nobles and barons who sat in this Parliament being lost, we can only conjecture, that some individuals had absented themselves, from the idea, that the riots and disturbances which they had excited during the captivity of the king, would be visited with punishment. It is stated in the Scala Chronicle, that soon after the conflict at Durham, the private feuds amongst the nobility were carried to a grievous height, and that the kingdom was torn by homicides, rapine, and private war, for which Fordun does not hesitate indirectly to criminate the Steward.[1] It is certain, at least, from the

[1] Fordun a Hearne, p. 1039. Leland's Coll. vol. i. p. 562.

record of this Parliament, that the remissions or pardons granted to these homicides by the Steward, and those in office under him, were recalled; and that the king resented his conduct, in interfering with the royal prerogative, and bestowing lands, held of the crown in capitè, upon his own creatures and dependants.

For the present, however, there was the appearance of great tranquillity. The treaty which had settled the ransom received the approbation of the parliament, and Edward not only gave orders for its strict fulfilment, but sought by every method to ingratiate himself with the prelates and the nobility of Scotland. His object in all this became soon apparent. Aware, from repeated experience, of the difficulty of reducing this country by open force, a deeper and more dangerous policy was adopted. He had already gained an extraordinary influence over the weak character of the king, and had secretly prevailed upon him to acknowledge the feudal superiority of England. David being without children, there existed a jealousy between him and the Steward, who had been nominated next heir to the crown; and we may date from this period, the rise of a dark faction, to which the Scottish king meanly lent himself as a party, and the daring object of which was to intrude a son of Edward the Third into the Scottish throne. For some time, however, this conspiracy against the independence of the nation was carefully concealed, so that it is difficult to discover the secret details or the principal agents; but from the frequent journeys of some of the Scottish prelates and barons to the court of

England, from the secret and mysterious instructions under which they acted, and the readiness with which they were welcomed,[1] there arises a strong presumption that this monarch had gained them over to his interest. The Earl of Angus, one of David's hostages, had private meetings with the King of England, and was dispatched to Scotland that he might confer with his own sovereign upon matters which shun the light, and do not appear as usual in the instruments and passports.[2] Within a short period the Scottish queen, a sister of Edward, made two visits to London, for the purpose of treating with her brother on certain secret matters which are not specified in her safe conduct. The King of Scotland next sought the English court in his own person, and after his return, the Bishop of St Andrews, the Earl of March, along with the Earl of Douglas, Sir Robert Erskine, and Sir William Livingstone, were repeatedly employed in these mysterious missions, which at this period took place between the two monarchs.[3] These barons generally travelled with a numerous suite of knights or squires;[4] and while their masters were engaged in negotiation, the young knights enjoyed their residence at a court then the most chivalrous in

[1] Rotul. Scot. vol. i. pp. 814, 815, 31 Ed. III. m. 4.

[2] Ibid. 31 Ed. III. m. 2, 25 Dec. 1357, vol. i. p. 818.

[3] Ibid. 32 Ed. III. pp. 819, 821, 822.

[4] Ibid. 32 Ed. III. p. 821. Willelmus de Levyngeston. "Cum octo Equitibus de Comitiva sua." Sir Robert Erskine, with the same number, p. 822. The Earl of March travels to England, "Cum viginti Equitibus et eorum garcionibus."

Europe, and were welcome guests in the fetes and amusements which occupied its warlike leisure. Large sums of money were required for such embassies, and the probability is, that they were chiefly defrayed by the English monarch, who looked for a return in the feelings of gratitude and obligation, which he thus hoped to create in the breasts of the Scottish nobility. Nor were other methods of conciliation neglected by this politic prince. He encouraged the merchants of Scotland to trade with England by grants of protection and immunity, which form a striking contrast to the spirit of jealousy and exclusion with which they had lately been treated.[1]

From the moment of David's return, a complete change took place in the commercial policy of England, and the Scottish merchants were welcomed with a liberality, which, could we forget its object, was as generous as it was beneficial to both countries. At the same time, the youth of Scotland were induced to frequent the universities of Oxford and Cambridge, by the ready kindness with which the king gave them letters of protection;[2] and the religious, who wished to make pilgrimages to the most celebrated shrines in England, found none of those impediments to their pious expeditions which had lately existed. At this moment, when designs existed against the independence of Scotland, so dangerous in their nature, and so

[1] Fœdera, new ed. vol. ii. part i. p. 188. Rotuli Scotiæ, vol. i. 32 Ed. III. pp. 822, 823.

[2] Rotuli Scotiæ, 32 Ed. III. vol. i. pp. 822. 825. 828.

artfully pursued, it was peculiarly unfortunate that a spirit of military adventure carried many of the bravest Scottish barons to the continental wars. Sir Thomas Bisset, and Sir Walter Moigne, with Norman and Walter Leslie, previous to David's return, had left the country on an expedition to Prussia,[1] in all probability to join the Teutonic knights, who were engaged in a species of crusade against the infidel Prussians.[2] Not long after, Sir William Keith, Marshal of Scotland, Sir William Sinclair Lord of Roslin, Sir Alexander de Lindesay, Sir Robert Gifford, and Sir Alexander Montgomery, each with a noble train of sixty horse, and a strong body of foot soldiers, passed through England to the continent, eager for distinction in foreign wars, with which they had no concern, and foolishly deserting their country when it most required their services.[3] Yet this conduct was more pardonable than that of the Earl of Mar, who entered into the service of England, and with a retinue of twenty four knights and their squires passed over to France in company with the English monarch and his army.[4] The example was infectious; and the love of enterprise, the renown of fighting under so illustrious a leader, and the hopes of plunder, induced other Scottish soldiers to imitate his example. Edward, therefore, whose attempts to conquer Scotland by force of arms had utterly failed, seemed now

[1] Rymer, vol. v. p. 866. [2] Barnes, Edward III. p. 669.
[3] Rotuli Scotiæ, vol. i. 32 Ed. III. p. 830.
[4] Ibid. 33 Ed. III. p. 842. Rymer, vol. vi. p. 119.

to have fallen upon a more fatal and successful mode of attack. Many of the barons were secretly in his interest; some had actually embraced his service; the king himself was wholly at his devotion; the constant intercourse which he had encouraged, had softened, as he hoped, and diluted, the bitterness of national animosity; and the possession of his twenty hostages had tied up the hands of the principal barons of the land, who, in other circumstances, would have been at liberty to have acted strenuously against him. Nothing now remained but to develope the great plan which all this artful preparation was intended to foster and facilitate; but for this, matters were not yet considered far enough advanced.

Meanwhile, David anxiously adopted every method to collect the sums necessary for his ransom; nor shall we wonder at his activity, when we remember that his liberty or his return to the Tower depended on his success. He had already paid the first ten thousand merks;[1] and the Pope, at his earnest request, consented that for the term of three years he should levy a tenth of all the ecclesiastical benefices in Scotland, under the express condition that the Scottish clergy were, after this, to be exempted from all further contribution. Yet this stipulated immunity was soon forgotten or disregarded by the king; and in addition to the tenth, the lands and temporalities of all ecclesiastics in Scotland, whether they held of the king or of subjects superior, were compelled to con-

[1] Rotuli Scot. 32 Ed. III. p. 827. 23d June, 1358.

tribute in the same proportion as the barons and free tenants of the crown; a measure violently opposed by the church, and which must have lost to the king much of his popularity with this important body.[1] The period for the payment of the second instalment of the ransom-money to England now rapidly approached. In Scotland, the difficulty of raising money, owing to the exhausted and disorganized state of the kingdom, was excessive; and the king in despair, and compelled by the influence of the party of the Steward, which supported the independence of the country, forgot for a moment the intimate relations which now bound him to Edward, and opened a negotiation with the regent of France, in which he agreed to renew the war with England, provided that prince and his kingdom would assist him with the money which he now imperiously required.[2] To these demands the French plenipotentiaries replied,[3] that in the present conjunction of affairs, when France was exhausted with war, and her king and many of her highest nobility in captivity, it was impossible for her to assist her ancient ally so speedily or so effectually as she desired. They agreed, however, to contribute the sum of fifty thousand merks[4] towards defraying the ransom, under the condition that the Scots should

[1] Fordun a Hearne, p. 1054. [2] Rymer, vol. vi. p. 178.

[3] Traittez Entre les Roys de France et les Roys D'Escosse, MS. in Ad. Library, A. 3. 9.

[4] "Cinquante mil marcs d'Esterlins, ou la valleur en or si comme il vault en Angleterre."

renew the war with England, and that there should be a solemn ratification of the former treaty of alliance between France and Scotland. These stipulations upon the part of the French were never fulfilled. An army of a hundred thousand men, led by Edward in person, passed over to Calais a few months after the negotiation,[1] and France saw in the ranks of her invaders many of the Scottish barons, who had become the servile tools of England. Amongst those whom the English king had seduced, was Thomas Earl of Angus, one of the hostages for David, a daring adventurer, who had commissioned from the Flemings four ships of war, with which he promised to meet Edward at Calais. But on procuring his liberty, Angus forgot his engagement, and remaining in Scotland, acted a principal part in the commotions which then distracted the country.[2] Sir Thomas Bisset, Sir William of Tours, and Sir John Borondon, and probably many other Scottish knights, accompanied Edward.[3] In France, however, they had little opportunity of signalizing themselves; and after an inglorious campaign, wherein the English monarch was obliged successively to raise the sieges of Rheims and Paris, hostilities were concluded by the celebrated treaty of Bretigny, in which the two belligerent powers consented to a mutual sacrifice of allies. The French, naturally irritated, agreed to renounce all al-

[1] Rotuli Scotiæ, 34 Ed. III. m. 4, pp. 840, 847.
[2] Fordun a Goodal, vol. ii. p. 365.
[3] Rotuli Scotiæ, p. 840.

liances which they had already formed with Scotland, and solemnly engaged, for the time to come, to enter into no treaties with that nation against the realm of England; and England, on her part, was equally accommodating in her renunciation of her Flemish allies.[1] Such conduct upon the part of the French Regent must have been highly mortifying to the Steward and his friends, who considered the continuance of a war with England as the only certain pledge for the preservation of the national liberty. On the other hand, the confederacy, which had been gradually gaining ground in favour of England, and now included amongst its supporters the Scottish king himself and many of his nobles, could not fail to be gratified by a result which rendered a complete reconciliation with Edward more likely to occur, and thus paved the way for the nearer developement of their secret designs, by which the Steward was ultimately to be ejected from the throne.

Whilst such was the course of events in France, Scotland at home presented a scene of complicated distress and suffering. A dreadful inundation laid the whole of the rich country of Lothian under water. The clouds poured down torrents such as had never before been seen by the oldest inhabitants; and the rivers, breaking over their banks with irresistible violence, destroyed ramparts and bridges, tore up the strongest oaks and forest trees by the roots, and carried houses and barns, stacks and implements of hus-

[1] Rymer Fœdera, vol. vi. p. 192. Art. 31, 32, 33.

bandry in one undistinguished mass to the sea shore. The lighter wooden habitations of the working classes were swept from their foundations, and the castles, churches, and monasteries entirely surrounded by water.[1] At length, it is said, a nun, terror-struck by the anger of the elements, snatched a small image of the Virgin from a shrine in the church of her monastery, and threatened aloud to cast her into the stream, unless she instantly averted the impending calamity. The flood had already touched the threshold of the building, when it was suddenly checked by this authoritative denunciation; and Bower does not scruple to assure us, that from that moment the obedient waters returned within their accustomed boundaries.[2]

Not long after this inundation, the country was visited by another dreadful guest. The great pestilence which had carried away such multitudes in 1349,[3] again broke out in Scotland, with symptoms of equal virulence and fatality. In one respect the present was different from the former pestilence. That of 1349 had fallen with most severity upon the poorer classes, but in this the rich and noble in the land, equally with the meanest labourers, were seized by the disease, and in most instances fell victims to its ravages. The deaths at last became so numerous, and the crowds of the dead and the dying so appalling,

[1] Fordun a Hearne, p. 1053.
[2] Fordun a Goodal, vol. ii. p. 362.
[3] Winton, b. 8. c. 45, vol. ii. p. 292.

that David with his court retreated to the north, and at Kinross in Moray, sought a purer air and less lugubrious exhibitions.[1]

On his return, a domestic tragedy of a very shocking nature awaited him. His favourite mistress, Catherine Mortimer, whom he had loved during his captivity, had afterwards accompanied him into Scotland, and from some causes not now discoverable, became an object of jealousy and hatred to the Earl of Angus and others of the Scottish nobles. At their instigation, two villains, named Hulle and Dewar, undertook to murder her, and having sought her residence under a pretence that they came from the king with instructions to bring her to court, prevailed upon the unsuspecting victim to intrust herself to their guidance. They travelled on horseback, and on the desolate moor between Melrose and Soutra, where her cries could bring none to her assistance, Hulle stabbed her with his dagger and dispatched her in an instant.[2] David instantly imprisoned the Earl of Angus in Dumbarton Castle, where he fell a victim to the plague, and commanded his unfortunate favourite to be buried with all honour in the abbey of Newbattle.

Towards the conclusion of the year which was marked by this base murder, a secret negotiation, regarding the subject of which the public records give us no certain information, took place between Edward

[1] Fordun a Goodal, p. 365.

[2] Leland, Collect. vol. i. p. 578. Fordun a Goodal, vol. ii. p. 365.

and the Scottish king. The Bishops of St Andrews and Brechin, with the Arch-deacon of Lothian, the Earls of March and Douglas, Sir Robert Erskine, and Sir John Preston, repaired, with a splendid and numerous retinue, to the English court, but the object of their mission is studiously concealed. It is, indeed, exceedingly difficult to understand or to unravel the complicated intrigues and the various factions, which divided the country at this period. The king himself was wholly in the interest and under the government of Edward. The Steward, on the other hand, to whom the people affectionately looked as his successor, and whose title to the throne had been recognised by a solemn act of the three Estates of the Kingdom, was at the head of the party which opposed the designs of England, and strenuously defended the independence of the country. Many of the nobles, seduced by the example of their sovereign, and by the wealth of England, deserted to Edward. Many others, indignant at such treachery, leagued themselves in the strictest ties with the Steward, and between these two parties there existed, we may believe, the most deadly animosity. But we may, I think, trace in the records of the times—for our ancient historians give us no light on the subject—another and more moderate party, to whom Edward and David did not discover their ultimate intentions for the total destruction of the independence of Scotland as a separate kingdom, but who hailed with joy, and encouraged with patriotic eagerness, those pacific measures which were employed to pave the way for their

darker designs. Nor is it difficult to understand the feelings which gave rise to such a party. A war of almost unexampled length and animosity had weakened and desolated the country. Every branch of national prosperity had been withered or destroyed by its endurance; and it is easy to conceive how welcome must have been the breathing time of peace, and how grateful those measures of free trade and unfettered intercourse between the two countries, which Edward adopted, from the moment of David's liberation till the period of his death.[1] It is quite possible to believe that such men as the Earl of Douglas and Sir Robert Erskine, the Bishops of St Andrews and Brechin, with other prelates and nobles, who were engaged in perpetual secret negotiations with Edward, should have been amused with propositions for a complete union and a perpetual peace between the two countries; while David himself and those traitors who were admitted into the deeper parts of the plot assisted at their negotiations, sheltered themselves under their upright character, and thus disarmed suspicion.

Meanwhile, under this change of measures, Scotland gradually improved, and the people, unconscious of the hidden designs which threatened to bring her down to the level of a province of England, enjoyed the benefits and blessings of peace. The country presented a stirring and busy scene. Merchants from Perth, Aberdeen, Kirkaldy, Edinburgh, and the va-

[1] Rotuli Scot. vol. i. p. 859, 862.

rious towns and royal burghs, commenced a lucrative trade with England, and through that country with Flanders, Zealand, France, and other parts of the continent; wool, hides, sheep and lamb skins, cargoes of fish, herds of cattle, horses, dogs of the chase, and falcons, were exported; and in return, grain, wine, salt, and spices of all kinds, mustard, peas, potashes, earthen-ware, woollen cloth, silver and gold in bars, cups, vases, and spoons of the same precious metals, swords, helmets, cuirasses, bows and arrows, horse furniture, and all sorts of warlike accoutrements, were imported from England, and from the French and Flemish ports, into Scotland.[1]

Frequent and numerous parties of rich merchants, with caravans laden with their goods, and attended by companies of horsemen and squires, for the purposes of defence and security, travelled from all parts of Scotland into England and the continent.[2] Edward furnished them with passports, or safe conducts; and the preservation of these instruments, amongst the Scottish rolls in the Tower, furnishes us with an authentic and curious picture of the commerce of the times. We find these passports granted to bodies of fifty and sixty at a time; each of the merchants being men of such wealth and substance, as to be accompanied by a suite of four, five, or six horsemen. In the year 1363 passports are, of the same date, granted to forty-nine Scottish merchants,

[1] Rotuli Scotiæ, pp. 760, 881, 891, 911, 925. Rymer, vol. iv. p. 575.

[2] Rotuli Scotiæ, p. 876.

who are accompanied by a body of eighty-seven horsemen, and eighteen squires or garcons; and the following year is crowded with expeditions of the same nature. On one memorable occasion, in the space of a single month, a party of sixty-five merchants obtain safe-conducts to travel through England, for the purposes of trade; and their warlike suite amounts to no less than two hundred and thirty horsemen.[1]

Besides this, the Scottish youth, and many scholars of more advanced years, crowded to the colleges of England;[2] numerous parties of pilgrims travelled to the various shrines of saints and martyrs, and were liberally welcomed and protected;[3] whilst, in those Scottish districts which were still in the hands of the English, Edward, by preserving to the inhabitants their ancient customs and privileges, endeavoured to overcome the national antipathy, and conciliate the affections of the people. Commissions were granted to his various officers in Scotland, empowering them to receive the homage and adherence of the Scots, who had hitherto refused to acknowledge his authority; passports, and all other means of indulgence and protection, were withdrawn from such as resisted, or became objects of suspicion; and

[1] Rotuli Scotiæ, vol. i. p. 886. [2] Ibid. pp. 886, 891.

[3] Ibid. pp. 878, 879, 880. Amongst these pilgrims who resorted to foreign parts, for the purposes of study or devotion, was John Barber, Archdeacon of Aberdeen, the admirable metrical historian of King Robert Bruce. Rotuli Scotiæ, p. 897. He was accompanied by six horsemen.

every means was taken to strengthen the few castles which he possessed, and to give security to the inhabitants of the extensive district of Annandale, with other parts of the country, which were in the hands of English subjects.[1]

During the course of the year 1362, the Bishops of St Andrews and of Brechin, Wardlaw Archdeacon of Lothian, with Sir Robert Erskine, and Sir Norman Lesly, were engaged in a secret mission to the court of England; and a public negotiation was commenced, for a final peace between the two countries, which appears not to have led to any satisfactory result.[2] The truce, however, was still strictly preserved; the fears of an invasion of England, by the party opposed to Edward, had entirely subsided; and the pacific intercourse between both countries, by the constant resort of those whom the purposes of trade, or superstition, or pleasure, or business, carried from their homes, continued as constant and uninterrupted as before.[3] Meanwhile Joanna, Queen of Scotland, who had resided for some time past at her father's court, was seized with a mortal illness, and died in Hertford castle.[4] In the course of the former year, the only son of the Earl of Sutherland, who was nephew to the Scottish king, had been cut off by the plague at Lincoln.[5] Edward Baliol lay

[1] Rotuli Scotiæ, pp. 861, 872, 873, 875, 894.

[2] Ibid. vol. i. pp. 862, 864. [3] Ibid. pp. 859, 860, 865.

[4] Walsinghame, p. 179.

[5] Fordun a Goodal, vol. ii. p. 366. Edward Baliol also died in 1363 at Doncaster. Knighton, p. 2627.

also on his deathbed; and these events were seized upon, as a proper opportunity to bring forward that great plan, which had been so long maturing, and by which Edward the Third persuaded himself that, in return for his flattering and indulgent policy, he was to gain a kingdom.

Although the ramifications of the conspiracy, by which Edward and David attempted to destroy the independence of Scotland, are exceedingly obscure, enough, I think, has been pointed out to prove that it had been going on for many years. We have seen that the English king purchased from Baliol the whole kingdom; that David had completely thrown himself into the arms of England, and even actually acknowledged the superiority of the one crown over the other; and now that it was imagined all obstacles were removed, we are to witness the open developement, and the utter discomfiture, of this extraordinary plot. A parliament was summoned at Scone in the month of March 1363;[1] and the king, after alluding to the late negotiation for a final peace, which had taken place between the commissioners of both countries, proceeded to explain, to the three Estates, the conditions upon which Edward had agreed to concede this inestimable blessing to the country. He proposed, in the event of his death, that the states of the realm should choose one of the sons of the King of England to fill the Scottish throne; and he recommended, in the strongest manner, that such choice

[1] 4th March, 1363-4. Robertson's Parliament. Record, p. 100.

should fall upon Lionel, the third son of that monarch, —a prince in every respect well qualified, he affirmed, to defend the liberty of the kingdom. If this election was agreed to, he was empowered, he said, to disclaim, upon the part of the King of England, and his heirs, all future attempts to establish a right to the kingdom of Scotland, under any pretence whatever; that grievous load of ransom, which pressed so heavily upon all classes of the country, would be from that moment discharged;[1] and he concluded, by expressing his conviction, that in no other way could a safe and permanent peace be established between the two nations.[2]

The Estates of parliament stood aghast at this extraordinary proposal, which was received by an instantaneous burst of deep and undissembled indignation. It required, indeed, no little personal intrepidity to name such terms to an assembly of armed Scottish barons. Their fathers and themselves had, for more than sixty years, been engaged in almost uninterrupted war against the intolerable aggressions of England. It was for the stability of the kingdom, whose liberties were now attempted to be so wantonly sacrificed, that Wallace, and Douglas, and Randolph, and Bruce, had laboured and bled. By the most solemn acts of the legislature, and their own

[1] Although this is not mentioned by Fordun or Winton, I have inferred, that the discharge of the ransom was stipulated, from the terms of the Parliamentary Record, and from the 6th article of the subsequent secret treaty at Westminster. Rymer, vol. vi. p. 426.

[2] Fordun a Goodal, vol. ii. p. 366.

oaths, taken with their hands on the holy gospels, they were bound to keep the throne for the descendants of their deliverer; and it is not difficult to imagine, with what bitter feelings of sorrow and mortification they must have reflected, that the first proposal for the alteration of the succession came from the only son of Robert Bruce. In such circumstances, it required neither time nor deliberation to give their answer. It was brief, and perfectly unanimous. "We never," said they, "will allow an Englishman to rule over us; the proposition of the king is foolish and improvident, for he ought to have recollected that there exist heirs to the throne, whose age and virtues render them worthy of that high station; and to whom the three Estates are bound to adhere, by the deeds of settlement, which have been ratified by their own solemn oath.—Yet," they added, "they earnestly desired peace; and, provided the royal state, liberty, and separate independence of the kingdom were not infringed upon, would willingly make every sacrifice to attain it."[1]

With this resolute answer the king was deeply moved. His eyes flashed with rage, and his gestures for a moment betrayed the conflict of anger and disappointment which was passing in his mind;[1] but he re-

[1] "Cui breviter, et sine ulteriori deliberatione aut retractatione responsum fuit per universaliter singulos, et singulariter universos de tribus statibus, NUNQUAM SE VELLE CONSENTIRE ANGLICUM SUPER SE REGNARE." Fordun a Goodal, vol. ii. pp. 366, 367. Winton, vol. ii. p. 294. Robertson's Parliamentary Records, p. 100.

pressed his feelings, and, affecting to be satisfied, passed on to other matters. It was determined to open an immediate negotiation with England, preparatory to a final treaty of peace; and for this purpose, Sir Robert Erskine, along with Walter Wardlaw the Archdeacon of Lothian, and Gilbert Armstrong, were appointed commissioners by the parliament. With regard to the ransom, the nobles declared, that they were ready to suffer every privation, and cheerfully to strain every nerve, for the payment of the whole sum; and that they would use their utmost exertion to prevent the truce between the two countries from being broken, as well as to answer for the fines and penalties which were already due for its infringement, by that party which was adverse to England.[2] These expressions alluded, no doubt, to the Steward and his friends, who, for some time before

[1] Winton, B. 8. c. 45, p. 294.

[2] In the record of this important parliament, which is unfortunately in an extremely mutilated state, there is some obscurity as to the meaning of the words "Si que per partem adversam pro commissis hactenus possent infligi vel obici." I understand the "pars adversa" to be the party of the Steward, which was decidedly hostile to England, and eager to break the truce. The whole "Record" of this famous parliament has been printed, by the late Mr Robertson, in that first and most interesting volume of the Acts of Parliament, which, on account of some defects in its arrangement, was cancelled and withdrawn. A copy of this rare work, which has been already quoted frequently in the course of this volume, was, many years ago, presented by Mr Thomson, the present Deputy-Clerk-Register, to my late father, Lord Woodhouselee, and to this unpublished record I am indebted for the most valuable assistance, in an attempt to explain one of the darkest periods of Scottish history.

this, must have been aware of the practices of David against the independence of the country, and his secret intrigues with Edward.

The object of this daring plan, which, there is reason to believe, had been maturing during the whole course of David's captivity, was now avowed in open parliament; and if carried into execution, it would have excluded for ever from the throne of Scotland, the Steward, and all descendants of Robert the Bruce. We are not, therefore, to wonder that the bare proposal of such a scheme alarmed and agitated the whole kingdom. It was instantly, indeed, repelled and put down by the strong hand of parliament, and apparently given up by the king; but all confidence between David and his nobles was destroyed from this moment, and the effects of this mutual suspicion became soon apparent.

The Steward, who had good reason to suspect the sincerity of the king, assembled his friends, to deliberate upon the course of proceedings which it was deemed necessary to adopt; and a very formidable league or conspiracy was soon formed, which included amongst its supporters a great majority of the nobility.

According to a common practice in that age, the lords and barons who stood forward against the king, entered into bonds or agreements of mutual defence and support, which were solemnly ratified by their oath and seal.[1] The Steward himself, with the Earl of March, the Earl of Douglas, the Steward's two

[1] Fordun a Hearne, p. 1057.

sons, John Steward of Kyle and Robert Steward of Menteith, and others of the most powerful nobility in the country, openly proclaimed, that they would either compel the king to renounce for ever his designs, and adhere to the succession, or would at once banish him from the throne.[1] To show that these were not empty menaces, they instantly assembled their retainers, and in great force traversed the country. The nobles who supported David were cast into prison, their lands ravaged, their wealth, or rather the wealth of their unfortunate vassals and labourers, seized as legitimate spoil; and the towns and trading burghs, where those industrious mercantile classes resided, who had no wish to engage in political revolution, were cruelly invaded and plundered.

The violence of these proceedings gave to the cause of the king a temporary colour of justice, and of this his personal courage, the only quality which he inherited from his great father, enabled him to take advantage. He instantly issued a proclamation, —in which he commanded the rebels to lay down their arms, and return to their allegiance, as peaceable and faithful subjects; and summoned his barons to arm themselves and his vassals in defence of the insulted majesty of the throne.[2] To the body of the disinherited barons in England, whose strength had, not long before, achieved so rapid a revolution, in

[1] Fordun a Hearne, p. 1057.

[2] Fordun a Goodal, vol. ii. p. 367.

placing Baliol on the throne, David confidently looked for assistance. This party included the Earl of Athole, the Lords Percy, Beaumont, Talbot and Ferrers, with Godfrey de Ros, and a few other powerful nobles. From them, and from Edward himself, there is reason to believe that the king received prompt support both in men and money; for it is certain that he was able to collect a numerous army, and to distribute amongst the soldiers infinitely larger sums for their pay and equipment than the exhausted state of the country and of his own coffers could have afforded.[1] The strong castles of Rokesburgh, Jedburgh, and Lochmaben, with the Border districts around them, comprehending Annandale, part of Teviotdale, and the Merse,[2] were in the hands of the English, who compelled their warlike population to serve against the Steward; so that David was enabled to advance instantly against his enemies, with a force which it would have been folly in them to attempt to resist. It was fortunate that the two parties thus ranged in deadly opposition against each other, were yet mutually afraid of pushing matters into the extremities of a war. The king knew that he was generally unpopular, and that his attempt to change the succession was regarded with bitter hostility, not only by the nobles, but by the whole body of the nation, and he naturally dreaded to call these feelings into more prominent action.[3] On

[1] Fordun a Hearne, p. 1058. Robertson's Parliamentary Records, p. 101.

[2] Rymer's Fœdera, vol. vi. p. 426.

[3] Fordun a Hearne, p. 1058.

the other hand, the Steward was anxious, under such threatening circumstances, when his title to the crown was proposed to be set aside, to conciliate the affections of the people by a pacific settlement of the differences between himself and the sovereign. These mutual feelings led to a treaty which saved the country from a civil war. On the approach of the royal army, the Steward, and the barons who supported him, agreed to lay down their arms and submit to the clemency of the king. The mutual bonds and engagements by which their party was cemented, were solemnly disclaimed and cancelled in an assembly of the whole nobility of Scotland, which was convoked on the 14th of May, at Inchmurdach, a palace of the Bishop of St Andrews,[1] where the Steward again renewed his oath to David. He swore upon the holy gospels that he would henceforth continue faithful to the king as his sovereign and liege lord; that to the utmost of his power he would defend him from his enemies, and support his servants and ministers against every opposition; and this he promised, under the penalty of losing all title to the throne of Scotland, of forfeiting his lands and possessions for ever, and of being accounted a perjured and dishonoured knight.[1]

In return for this prompt submission, the Steward's title in the succession was distinctly recognised, and the earldom of Carrick conferred upon his eldest son, afterwards Robert the Third.[2] The Earls of

[1] Macpherson's Geographical Illustrations of Scottish History.
[2] Fordun a Goodal, vol. ii. p. 369.

March and Douglas, the sons of the Steward, and the rest of the barons who had joined his party, renewed their fealty at the same time, and David had the satisfaction to see a dangerous civil commotion extinguished by his energetic promptitude and decision. But this was only a temporary ebullition of activity, and as if worn out by the exertion, the king relapsed into his usual indolence and love of pleasure.

It was at this critical time he happened to meet with Margaret Logie,—a woman of inferior birth, but extraordinary beauty. She was the daughter of one of the lower order of barons, and related, in all probability, to that John de Logy, who had been executed for treason during the latter part of the reign of Robert Bruce. Of this lady, David, ever the slave of his passions, became deeply enamoured; and, heedless of the consequences, determined to possess himself of the object of his affection. Overlooking, accordingly, in the ardour of his pursuit, all difference of rank, and despising the resentment of his proud nobility, the king married this fair unknown, and raised her to the throne, which had been filled by the sister of Edward the Third. No step could be more imprudent. The Steward, who, in the event of a son being born of this alliance, would be excluded from the throne by a boy of plebeian origin,—the powerful Earl of March,—the haughty Douglas, and the

[1] Fordun a Hearne, 1059, 1010. Bower (Fordun a Goodal, vol. ii. p. 370) says she was the daughter of Sir John Logy.

other grandees of the realm, whose feudal power and territories were almost kingly, felt themselves aggrieved by this rash and unequal alliance. Disgust and jealousy soon arose between the queen and the nobility; and such was the influence which she at first possessed over the fickle and impetuous monarch, that he cast the Steward, with his son, Alexander Lord of Badenoch, into prison; and soon after, weary of his own kingdom, and aware of his unpopularity, obtained a safe-conduct to travel into England, on a pilgrimage to the shrine of the Virgin at Walsingham.[1] His fair queen, at the same time on the like errand, accompanied by a gallant train of thirty knights, sought the shrine of St Thomas of Canterbury; and Scotland, deserted by her sovereign, and with the nearest heir to the crown in a dungeon, regarded with deep apprehension a state of things, which, to the most superficial eye, was full of danger.

It was not to be expected that a prince, of the talents and ambition of Edward the Third, should fail to perceive, and take advantage of, these complicated difficulties. An immense part of the ransom due by the King of Scotland was still unpaid; and, as the regular terms of settlement had long been neglected, the penalties incurred by such a failure increased the principal sum to an overwhelming amount. The king's increasing unpopularity in Scotland rendered it impossible for him to collect the money which was

[1] Fordun a Goodal, vol. ii. p. 380. This author asserts that the Steward and his three sons were kept in separate prisons. From the Chamberlain Accounts, pp. 498, 524, the fact seems to be as stated in the text.

required. It was only by the kindness and sufferance of Edward that he had not been repeatedly remanded to his prison in the Tower; and, in a few years, if this state of things continued, he felt that he must lay down his royal pomp, and, deserted by a people who bore him neither love nor respect, return to the condition of a captive.[1] These reflections embittered his repose; he determined to consent to every sacrifice, to get rid of a ransom which made him a slave to Edward, and an abject suitor to his subjects; and, under the influence of such feelings, again engaged in a secret treaty with England, against the independence of his own country.[2]

It will be recollected, that the states of Scotland had already dispatched the Bishops of St Andrews and Brechin, along with Sir Robert Erskine, the Chamberlain of Scotland, to negotiate a peace between the two countries;[3] and to the result of this public embassy we shall soon advert. In the mean time, whilst these deliberations proceeded, a secret conference, of a very extraordinary nature, was held between the privy councillors of David and Edward, and in presence of both monarchs, at Westminster, on the 26th of November, 1363.[4] The real object of this meeting was an attempt, upon the part of Edward, to renew his designs for the entire subjection of Scotland. Yet this was done with a caution strongly indicating his sense of the flame which the bare

[1] Rymer's Fœdera, vol. vi. p. 48. [2] Ibid. p. 426.

[3] Robertson's Parliamentary Records, p. 100. Rotuli Scotiæ, 38 Ed. III. m. 6. 18th July, vol. i. p. 884.

[4] The names of the privy councillors are studiously concealed.

suspicion of such a renewal would kindle in that country. It is anxiously premised, in the first passage of the record of this secret conference, that every thing that was done was solely to be regarded in the light of an experiment, and that the various stipulations and conditions which it contains, are not to be considered as finally agreed to, either by one party or the other, but simply as attempts to bring about, under the blessing of God, a lasting peace between the two nations. The King of Scotland, who, along with Edward, was personally present whilst the various articles were made the subject of consultation, consented that, in the event of his death without heirs-male of his body, the King of England, and his heirs, should succeed to the throne of Scotland; upon which event, the town and castle of Berwick, with the castles of Roxburgh, Jedburgh, and Lochmaben, and the whole lands occupied by Robert the First at the time of his death, and now in the hands of the King of England, were to be delivered up to Scotland; whilst the whole arrears of the ransom, as well as all penalties and obligations incurred by its non-payment, were to be cancelled for ever.

These were the two principal articles in the conference; but a variety of inferior stipulations were added, the object of which was evidently to endeavour to reconcile the people of Scotland to a sacrifice of the independent throne of their country, by the solemn manner in which Edward agreed to preserve unimpaired its ancient constitution, and the laws and usages of the kingdom. It was agreed that the name and title of the kingdom of Scotland should be pre-

served distinct and entire, and should never be sunk in a union with England; whilst, at the same time, it was to remain, not in name only, but in reality, entire, without injury by gift, alienation, or division to any mortal, such as it was in the days of Robert the First. The kings of England were henceforth to be crowned kings of Scotland at Scone, upon the regal and fatal stone-seat, which was to be immediately conveyed thither from England; and the ceremony was to be performed by those Scottish prelates who were deputed by the church of Rome to that high office. All parliaments regarding Scottish affairs were to be held within that kingdom; and a solemn oath was to be taken by the English monarch that, as king of Scotland, he would preserve inviolate the rights and immunities of the holy Scottish church, and consent that she should be subject neither to bishop nor archbishop, but solely to the Pope. In addition to all this, Edward engaged faithfully that the subjects of Scotland should never be called upon to answer to any suit, except within the courts of their own kingdom, and according to their own laws. He promised that no ecclesiastical benefices or dignities, and no civil or military office, such as that of chancellor, chamberlain, justice, sheriff, provost, bailie, governor of town or castle, or other officer, should be conferred on any, except the true subjects of the kingdom of Scotland; and that, in affairs touching the weal of that realm, he would select his councillors from the peers and lords of Scotland alone. He engaged, also, to maintain the prelates, earls, barons, and free tenants of that country, in their franchises

and seignories, in their estates, rents, possessions, and offices, according to the terms of their charter; and pledged his royal word to make no revocation of any of the grants made or confirmed by Robert Bruce, or his son, the present king.[1]

With regard to an important branch in the national prosperity,—the commerce of Scotland, it was declared, that the merchants of that realm should fully and freely enjoy their own privileges, without being compelled to repair, for the sale of their commodities, to Calais, or any other staple, except at their own option; and that they should pay half a merk to the great custom upon each sack of wool which they exported. The duty on the exportation of English wool was higher; and this article formed one of those many devices by which Edward, in his present projects, artfully endeavoured to secure the good-will of the rich burghers of Scotland, —a class of men now rising rapidly into influence and consideration. Nor were other baits for popularity neglected by those who framed this insidious treaty. To the powerful Earl of Douglas it was held out, that he should be restored to the estates in England which had been possessed by his father and his uncle;—to the disinherited lords, the Earl of Athole, the Barons Percy, Beaumont, and Ferrers, with the heirs of Talbot, and all who claimed lands in Scotland, either by the gift of David when a prisoner, or on any other ground, there was promised a full restoration to their estates, without further trouble or challenge.

[1] Rymer's Fœdera, vol. vi. p. 427.

The clergy were attempted to be propitiated by an article, which promised to every religious house or abbey, the restoration of the rich lands which had been torn from them during the excesses and calamities of war; and to the numerous and powerful body of vassals, or military tenants, who formed the strength of the nation, it was distinctly announced that, under the change which was to give them a new king, they were yet only to be bound by the ancient and acknowledged laws of military service, which compelled them to serve, under the banner of their lord, for forty days at their own expense; but that afterwards, any farther continuance with the host should entitle them to receive pay according to their state and quality. A general indemnity was offered to all Scottish subjects, in the declaration that no challenge or action whatever should be used against those who had departed from the oaths of homage which they had formerly sworn to England; and, as to any additional conditions or articles which the three Estates of Scotland might judge it right to demand, for the profit or good of their kingdom, the King of England declared, that these points should be duly weighed by his council, and determined according to their advice.

This extraordinary public document concludes by a promise upon the part of David, that he would immediately sound the inclinations of his people upon the subjects of the conference, and inform the King of England and his privy council of their feelings regarding the propositions it contained, fifteen days after Easter.[1]

[1] Fœdera, vol. vi. p. 427.